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Kes Gestae

STUDENT NEWSPAPER OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

September 28, 2004



Since 1950



Vol. 55 No. 4

Demolition Shapes School Office Space

By Erick Ong

Some of the changes this past summer at the Law School included a shifting of offices for some of its most important groups within the. Over the past summer the house located at 721 South State Street was demolished. This two-story house, built in 1888, was home to the Law School Development and Alumni Relations Department and the Student Funded Fellowship (SFF) office.

We are naturally faced with the questions: Where did these two groups end up going, why was the house demolished, and what's in store for the future of this site?

The Law School Development and Alumni Relations Department's main purpose is to maintain contact and relations with Law School graduate alumni. They are the ones directly responsible for the Class Reunions that we witnessed last weekend, in addition to many other events and networking situations for alumni. This department was moved to 109 E. Madison Street which is about five blocks west of the Law School campus. I was able to have a brief chat with Barbara

Gregg, the assistant to the Assistant Dean of the department.

RG: How do the new digs compare to the old ones?

BG: This new building is beautiful. At the other office it really was more like a house. When you were inside you knew where the bedrooms, living room, and

staff members here are very happy in how it turned out. Weeks before we moved in, we oversaw and had provided some input into how the office layout should be and that contributed to it being smooth.

RG: Has its distance from the Law School posed any problems?

BG: Well we have only been here a few months, during the summer and now fall months, so the trek from here to the Law School has been pleasant. I may give a different answer once winter hits.



kitchen used to be. Here the building was set-up as an office space and it has worked out well for us here.

RG: How was the transition to this office?

BG: The transition here went as smooth as it possibly could. Originally this building must have been a sanctuary to homeless people, but I and the other

The Student Funded Fellowship (SFF) also needed to migrate from its basement office at the house on 721 S. State Street. To find out where its new locale was, I contacted Lois Oerther, the Law School's Facilities Manager at 739 Legal Research. To my surprise the new SFF office was located just a few offices down from her at 745 Legal Research. The SFF, for the uninitiated, "is a student organization that raises money and provides grants to Michigan Law students who take unpaid or very low-paying summer jobs in the public

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Res Gestae

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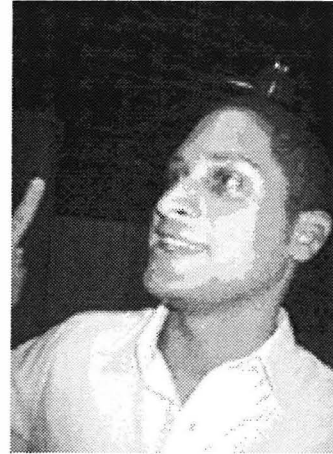
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Question on the Quad: What Does Bar Night Mean to You?

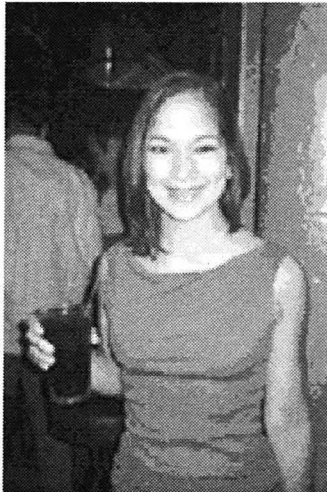


"Bar night means seeing that kid from your section who you were sure didn't drink doing a shot of tequila at 1am, followed by a rousing rendition of the robot."

Sarah Niemiec, 3L and Queen of Rick's



"Nobody is ugly at 2AM."
Bayrex Marti, 2L



"Bar Night is the social event of the season."

Vannesa Martinez, 2L



"Everyone we know, drunk, at the same place and the same time."

**Becky Zissel and
Donelle Mayberry, 2Ls**

Reporting and photos by Jay Surdukowski and Dan Clark

How to Pass the Ann Arbor Bar Exam

By Shannon Griffin

Evidently Ann Arbor carried on without me. I suppose I should have known my beloved college town would continue after my undergraduate departure—I just never thought it would happen so fast. After all, I only left four years ago. What happened to the days when Pancheros served the best Mexican food in town, Cava Java was the only place for good coffee, and a student could invite her boyfriend to a football game and actually have him stand in the student section to enjoy the great tradition of Michigan football? All the while watching students try to hit the ESPN cameraman with marshmallows, pass beach balls throughout the stands, crowd dive, and cheer the Wolverines to victory, without having to take out a separate loan just to get their tickets validated and then be berated by the Section Nazis as they try to get to their seats after standing in line for an hour and being patted down to make sure they aren't carrying anything threatening like, you know, a camera? Man.

The point is, Michigan, for better or worse, has changed since my days as an undergrad; for one thing, there are a lot more bars here than I recall. The formula back then was simple: Mondays: Dominick's while the weather was nice; Tuesdays: Mitch's for Jerry Sprague; Wednesdays: Rick's for dancing; Thursdays: Skeeps for \$1 Long Islands; Fridays and Saturdays: well, anywhere. Add to this mix ten more bars, a couple more drink specials, and a few board games and you've got yourself a whole new can of tuna.

Rick's Café: Ain't just for Greeks anymore. You can actually go to Rick's on Thursdays (who knew?) for Ladies' Night, with half-off drinks and no cover charge for all us fine-ass women. For the guys, they get...well, nothing, except to see us fine-ass women get half-off drinks and no cover charge. Rumor has it that you can still go on Wednesday's if you are desperately desiring to display that old fraternity t-shirt you wore everyday

up until your first day of law school when your roommate advised you that it was no longer cool.

Mitch's: If undergrad Greeks aren't your thing and nasty beer is, Mitch's is the place to be on Wednesday for \$1 pitchers. If you actually want a seat, you may just wanna head there straight from class. Oh, and Friday's are increasingly popular for karaoke.

Touchdown Café: Wow! This place has really changed since my time. It's actually cool now. No longer is it just a place to watch the game; now you have a dance floor and a DJ on Friday and Saturday nights. Watch out, though, because with this trendy makeover came a brand-new cover charge. Go figure! Is anything worth while in this town free? Five bucks will get you through the door with not much of a line.

Good Time Charley's: What used to be the place for a free birthday dinner has now become a weekly hangout for those who want cheap drinks. After 11 pm, all drinks are on special, including Margaritas, Long Islands and beer. Unlike some other places that use to sell \$1 Long Islands, (and rhymes with "forweepers"), these Long Island's are more than just sour mix. The line may be a little lengthy on home football game weekends, but overall, my survey revealed that Charley's is one of the top hangouts for law students on a tight budget.

Leopold Brothers: If you are above getting drunk and dancing to your favorite Britney song (pssh!) and you prefer, instead, to spend your Friday nights exercising your brain in preparation for your Monday morning class, this microbrewery is just for you. You don't even need to bring your own board game. Leo's serves the best helpings of Trivial Pursuit, Chutes and Ladders and Connect Four this side of the Mason-Dixon. If you're thirsty, you can order an expensive pint of homemade beer, or maybe ask your server for a glass of milk and some cookies.

Studio 4: After your strategic victory in Parcheesi, swing on over to the nightclub where you can wear your overpriced Gucci pumps and pretend you actually did get accepted to NYU. We love the Manhattan-like cover charge and relative inability to get a drink. Head for the back bar, and spend what little money you've got left on high-priced drinks. At least the music's good and there's a parking garage right next to it.

Ashley's: The ubiquitous bar-that-has-every-beer-you-can-think-of-unless-you-actually-enjoy-a-good-domestic-beer-like-say-Bud Light. A staple for law students 'cause it's close. Not the cheapest, but laid-back and often convenient, (unless you want Bud Light). But beware! Upon entering, you are made vulnerable to a combination of a self-help juke box and a geek that thinks this is the only place where he can actually play "When the Going Gets Tough" by Billy Ocean and get away with it.

Millennium Club: Oh, those dancers. It's a bit of a hike, but the pool's free on Fridays and the Killer Flamigos are one of the better cover bands in the area (they play on Saturdays). It's big. Also, there's no cover on Thursday nights.

Blind Pig/Eight Ball: Far from the secret club you think it'd be based on its name, this bar is renowned for putting on concerts by bands that are just about to hit the big time. Monday night karaoke is legendary—just go and you'll find out why. And the PBR's are cheap those nights, too. Beware of the Eight Ball—it's a good place to buy Blind Pig tickets with no service charge, but, um, it *really* smells like urine down there.

Dominick's: You've been there. Hell, you can see it from here. Hell, you're probably reading this there. Watch out for the doorman, who's always on point, and the sangria, which will knock you off your block. And the pizza's good.

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Alumnus Offers Refreshing Insight on How to Succeed with "Economy Grades"

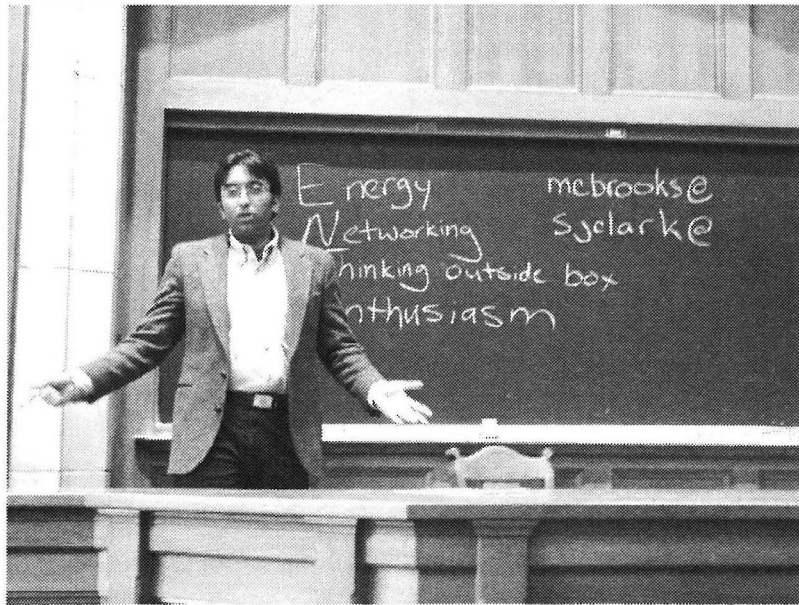
By Diana Mack

By the time we all got to law school, the message was clear: grades really do matter. Half of us must face the harsh reality that we will finish in the bottom half of the grading curve. Last week, one of our alumni, Rocky Dhir, stopped in to give some personal advice on how to thrive in law school - and beyond - on such "economy grades".

For Rocky, the reality of a C+ his first semester was devastating at first. But in his struggle to overcome below-average grades, he learned some valuable lessons about what it takes to succeed in law - and in life. Today, he is following his own dream and has founded an innovative company that outsources legal research to India for small law firms that cannot otherwise afford it. He discussed with us his humorous but very personal trials and tribulations he went through to get there in his talk entitled "From Economy Grades to a Top Career."

Rocky's success story is based on a rubric he calls ENTER- "Energy, Networking, Thinking outside the box, Enthusiasm and Relationships." He emphasizes that persistence and hard work are vital to success - but this applies as much to seeking out opportunity as it does to getting the grade. Rocky reminds us there are other paths to success besides the large law firm seeking out the 3.7 GPA - paths that are often much closer to our heart - but they may only appear if we break from the more typical molds.

According to Rocky, most important to success in law school and beyond are the relationships we form and build with those around us. Rocky encourages us to seize on every opportunity to get to know our fellow students, seek out the advice and help of upperclassmen, and don't miss the opportunity to lunch with



a professor or professional colleague. Such networking builds opportunity - and such opportunity forms the paths to success regardless of grades.

Rocky found that it was his success with relationships and a can-do attitude that allowed him to break through with an unlikely judicial clerkship and earn a spot on the law review. He insists that grades do not need to matter if you are willing to go that extra mile to make your mark. For Rocky it meant he had to do his impersonalization of Kermit the Frog in front of a Texan judge interviewing him for an internship (lesson learned: be prepared to describe any item in your resume, even if you put down that you have a knack for celebrity impersonalizations).

It is hard not to like such encouragement to have faith in your own abilities and that grades are not the only way to get the job you want.

Yet, at some point Rocky's recommendation to do whatever it takes reaches

dangerous levels of contradiction; saying to an interviewer "if you want me to wear a leotard for the interview - I'll do it" is reminiscent of the stereotype of the law student as a groveling sycophant. And from my own experience as an intern with a law firm this summer, it is not necessary to follow the recommendation to stay until midnight on Saturday to win the favor of your senior partners.

Yet, what was nevertheless refreshing about Rocky's eternally optimistic message is one you don't normally associate with finishing first - simply, be nice to people around you.

In the end, he stresses that it is not your grades that people will remember you for, or that will propel you forward, but rather the kind of person you are. That is still a message that maybe we can all take more to heart.



Hanging With Professor Cooper

**By Megan Barnard
and Mike Murphy**

Professor Edward H. Cooper, the Thomas M. Cooley Professor of Law, has taught an awful lot of Michigan Law students Civil Procedure. Cooper joined the Law School faculty in 1972 and was named the in 1988. He graduated from Dartmouth College with an A.B. and earned his LL.B. at Harvard Law School. Following a judicial clerkship with the Hon. Clifford O'Sullivan, U.S. Court of Appeals for the Sixth Circuit, and then practice in Detroit, he taught for five years at the University of Minnesota before coming to Michigan in 1972. Professor Cooper's major fields of interest are federal procedure and jurisdiction. He is co-author of a leading treatise on federal jurisdiction and procedure, *Federal Practice & Procedure: Jurisdiction*, and his articles have contributed to legal scholarship for more than 30 years. He graciously gave the RG half an hour of his time last week.

RG: Can you tell us how you ended up here at Michigan?

C: I was born in Michigan. Not in law school! And by way of a teaching career, I came back after graduating and clerked for a 6th Circuit judge who was chambered in Port Huron, Michigan. We moved down to Cincinnati every other month for 3 weeks, which was sort of fun I stayed on to practice in Michigan – Detroit. And while I was practicing I also taught Civil Procedure, what else, at Wayne State University Law School as an adjunct professor. After that I went to my first full time teaching job at the University of Minnesota law school, taught there for 5 years. And then as a Michigan lad with the chance to come back to Michigan, I came back here.

RG: So you teach Civil Procedure mainly. Have you taught anything else?

C: Over the years a variety of things, none of which really stuck. Of course I teach the Jurisdiction and Choice of Law course from time to time. Part of that used to be Civil Procedure and the curriculum was divided. We took them apart — I think to very good effect — some time ago. So I teach both of those. The other topic that I taught for a long time and



wrote about was Antitrust. I gave that up after something like 17 years of teaching it. Periodically along the way I did Copyright, Unfair Competition, Patent Law, and a course we call Equity — that one hardly exists anywhere anymore. My most recent adventures outside of those fields have been under a zany idea I had called Teach the Prof. It's a seminar. The foundation idea is to pick a subject that satisfies three criteria: First and most important - I don't know anything about it. Second, nobody teaches it here. Third, there is a large enough group of students that want to study this subject. If all of those things come together they teach it to me. I am the student from hell. I start knowing nothing and push them to figure it out well enough to teach me, as an aggressive and demanding student. I've

done that twice: Once with Water Law, which appears and disappears from our curriculum. And then Admiralty — it's a very different subject even though it has to do with Water Law. Someday if I'm pushed to do a seminar then I'll try to find another Teach the Prof. subject.

RG: How long ago were those?

C: The more recent one was I think 1997. I say that because an alumnus from that adventure showed up a couple of days ago in a new job and reminded me of it. I think he pegged it as 1997 so that's probably right. It doesn't seem that long ago, but time flies!

RG: So you teach mostly 1st year students. Is there a reason for that?

C: Well there are a variety of reasons. One is we don't have enough people to teach Civil Procedure and I've gotten double-duty both last year and this year, and that swallows up a lot. The second is Civil Procedure, for better or worse, has been pegged as a first-year subject. It has, I think, very real values as a first year subject. What I'm going to describe as a very narrow function is served best when it's in the first semester. To understand those crazy appellate opinions you read everywhere else you often need to understand the procedural posture of the case that controls what that opinion really stands for. But if you get 'em in the second semester as I often do, by then they have picked up, by hook or by crook, enough of that, so it's not as important. There's a second and much broader institutional function - I never really know how well it is served. At the end of it as I approach the subject, people should emerge aware that our system for resolving disputes is not very good. It's very difficult to make it better. It may be the best in the world, I have no brief on that, but it's not very good, and that

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imposes severe restraints on what you can accomplish as you try to develop other law. It's going to get siphoned through procedure when it comes to be applied. Administrative procedure perhaps, criminal procedure, civil procedure, it's going to get siphoned through some sort of procedure and none of that procedure is terribly effective in accomplishing what you really want to accomplish. And you need to think about that, take account of that while you're developing these wonderful, big ideas of what the substantive law ought to be. It can serve that function in some small way.

Then, there is a third general function that can be served at any time, and it may be more effective first year, and that is every that lawyer ought to have as part of being a lawyer some sort of basic awareness of the procedural system and how this system operates. You may never go near a courtroom. A lot of lawyers don't. Nevertheless, it's useful to have that sort of familiarity. Do we need it in the first year? Maybe. But if you're going to require it, it's got to be in the first year because we don't require anything after the first year by very deliberate choice. In fact when we took the jurisdiction stuff out of Civil Procedure the non-proceduralists in the faculty said: "What? You're going to let people graduate without jurisdiction?" "Well, yeah, for those who don't want to take it." "We should require it!" "You want to require a course after the first year?" "Well, we stopped doing that years ago. Maybe not." And that ended that. One of our former Associate Deans, Sue Eklund, endeared herself to me forever by saying, "Well I think we got it right in part. Civil Procedure ought to be in the first year... but you (have) to make us take it again in the third year when we could understand it." And that is the kind of dilemma you face.

RG: Do you think the school could benefit from an advanced Civil Procedure class that could be an elective?

C: Sure, sure. You've got some of it. Bill Jentes teaches a complex litigation seminar every fall. And that fills part of a real need. There is plenty of room for an advanced procedure course. Long ago we called it Civil Procedure 2, then it came to be known as complex litigation and then mass torts, but we need someone to teach it. Sure there's plenty of room. Especially my version of the first year course does not begin to deal with a whole variety of things, like class actions, that can be terribly useful as well as intellectually exciting, engaging, difficult and also useful.

RG: Do you think Civil Procedure is a course that students shouldn't have until their second semester after they... have a chance to acclimate to course work?

C: It's a very tough choice. Everybody would rather get people in the first semester. They're more engaged. And the second semester tends to come after the first exam period and there's a waiting interval. You're back in school and for the most part you don't know how those exams turned out. You're nervous about that. And then you get the grades, and some people are elated and many are not. And besides, it's January for crying out loud! Not the happiest time in many law students' lives. So there's a contrast between the first half dozen weeks in the fall and the first half dozen weeks in the winter when people are a little bit jaded already. Well that sort of affects the judgment. It's a whole lot easier to teach Civil Procedure to people who've had all the Torts course.

A large - and it's not accidental - fraction of Civil Procedure casebook cases involve torts or tort-like problems. You won't find terribly many of them dealing with contracts or property disputes, things of that sort. The communication is much simpler if you don't have to stop and worry, "Do they really understand comparative responsibility?" If you want to talk about burden of persuasion — the topic has already come up this semester — you may want to talk about the allocation of burden of persuasion with respect to comparison of responsibility. It's a whole

lot easier if they know what comparative responsibility is, and so on through causation, proximate cause, a wide variety of things.

So there's real second semester advantage in that way. I'm not sure how you calculate the offsets of the things already suggested. It's easier in some ways to learn Torts when you've had Civil Procedure. Over the years, quite some years back now, Becky Eisenberg and I tried to find some way to bring Torts and Procedure closer to each other so you wouldn't have so much Torts class going this way, Procedure class going that way. We could never find a really effective way, it is a very tough chore. But if some people sometime could find a way to integrate them into a more nearly big, single course, some Torts and some Procedure, then Torts and Procedure go on together, then go off into more Torts and so on, it could be a very useful thing. But it will be very tough to prepare.

RG: I remember in class a lot of examples and hypotheticals involved car accidents. Is there a reason for that or is it just an easy way to get the material across?

C: It's an easy way to get the material across. Most people are familiar with driving, those who aren't are familiar with riding in cars. Anybody with any sense is afraid of the process. Anybody who's driven has driven unlawfully in some way at some time. This is all very familiar. It gets more easily, faster into the procedure part of it than if you have to stop and ask yourself, "Wait a minute. He's talking about an attempt to monopolize. What's that anyway? How do I translate that into a procedural framework?"

And of course there's the problem if you go terribly far afield you may have a hypothetical that makes no sense at all. Try to make something up new: Well what do I know about RICO for heavens sake? Except that I don't like it.

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RG: I always get a kick out of that because I'd be crossing Hill and State on the way to class and especially at 7:45 in the morning it's a very convenient time to nearly get hit by a car. So then I'd get there and hear about getting hit by a car at Hill and State and I'd go "Oh yeah, I know how that could happen!"

C: Maybe there's a side benefit if somebody exercises a little more care, or respects tires when somebody's trying to put a tire on a wheel rim a little bit more. That's a very dangerous operation. Or when you take the Jurisdiction course there are a lot of exploding water heater cases. You learn to respect things you may not think about terribly often. But I try to keep it simple, straightforward, so the underlying fact assumptions don't get in the way of what you're really trying to talk about.

RG: Makes sense. So you've been teaching first year students for a long time. How have they changed over the years?

C: Well, when I started teaching they were the same age I was. That is no longer true. So some time in the last 10 years I've had a student older than I, but it's been awhile and it's increasingly unlikely to happen again. Other than that, when I started teaching at Wayne I taught a morning section first year—was at 7:30—and an evening section, and the evening section was not as pronouncedly male as the day-time section of the course. When you ask, "between 1965 and today?", the balance between men and women has changed enormously. In those days the imbalance was not as great in the evening section, but that's a big change. The evening section was still more distracted than we are here. Generally they were people who had other lives, who'd been doing other things, that didn't come straight to law school, that are in law school with their careers to juggle and balance along with law school. Apart from that dimension of it, of course, more students now have taken time out, have done something along the way. It's not just straight through kindergarten, to

third-year law student. But there are other things along the way and that makes a difference. Surely we enjoy a greater variety, diversity in all sorts of dimensions as compared to what is now nearly 40 years ago. Whether people are on average any brighter? On average you know a whole lot more. There's a whole lot more to know. Our students are more sophisticated - that doesn't necessarily mean more mature - but more sophisticated. Maybe there is some difference in the mix of abilities — in many ways, you are more — almost frighteningly — uniformly at a very high level of intelligence. The very best people, the very brightest at this particular bag of tricks are no smarter than 40 yrs ago, but the overall average of intelligence has almost surely gone up. One result is that you find a much wider dispersion in any single person's transcript. You'll find people who do smashingly well in one exam and not so smashingly well in another and turning it around and it just goes all over the place because you're all so closely smart with each other. Political views just like everything else change with the times. I'm not sure; sometimes there might be some lag with the general times, but it's just part of the natural sequence of events.

RG: Over the time, what have you done to keep material fresh for you and the students?

C: For me it's easy. I don't understand it. That's why I teach this subject. I started teaching as an adjunct after a wonderful experience. I was hired after a half-hour interview with the Dean that mostly consisted of, "Here is a list of 11 subjects we could have you teach, which would you like to teach?" And I picked Civil Procedure partly because I'd very much enjoyed the procedure courses I'd had as a student. They were two of my greatest law school classes. And partly because I figured I don't understand this stuff. I probably never will, so I won't get bored. I was right. I still don't. So I still don't get bored because every time I come back to the old familiar problems it's "Gee, why aren't they doing better?" I generally persuade myself that it would be difficult

to be doing better, as desirable as that might be, so it keeps me engaged and not bored. How that translates into boring or not for the students is a different question. Procedure is not the friendliest of subjects for many people.

RG: What's your research like now?

C: Research is a funny word. But I'm working on in terms of the most research like activities, really two major baskets and then a sort of episodic set of diversions over on the side. One is in my function as the reporter for the Civil Rules Committee. The agenda of the committee is driven by many considerations. But whatever the federal rule or rules they are working on I am working on with them, for them, and it has over the years covered a very wide swath. The research is much less book research and much more learning a whole lot from the judges and lawyers involved in the process. We spend enormous amounts of time along the way trying to make, this rule, that rule, or another work or get better. And that takes a lot of time. The committee has had a succession in my time of five very energetic chairs. So it's always busier than people think it was designed to be. "Oh let's take on this, let's take on that!" It gets very busy. At the moment, the major business of it is a project to rewrite all of the Federal Rules of Civil Procedure without changing what they mean. Sounds like fun, and it is. Part of the greatest fun is when you read the present rule and nobody in a room of extraordinarily good lawyers and judges understands what it means now. And that happens with embarrassing frequency. How can you write it clearly without changing what it means? You can't. So we've come to this wonderful compromise that when we clearly can't figure out what it means, we just carry forward the present language. Our charge is not to change the meaning so we can't risk a change in the meaning so we'll let everybody fuss away over it for another 50 years. So it's also an enormously time consuming, repetitive, dragged out process. It means you have to have all

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sorts of people looking at it. Invariably they come up with questions. Sometimes it's old questions you've already thought through. Sometimes it's new questions that nobody had foreseen. When all of this gets published for comment and thousands—I certainly hope thousands—of lawyers and judges look at it carefully they'll find all sorts of things that nobody involved in the process working diligently saw. But as I say it's fun. There's that.

So that's one basket. The other basket is purely traditional legal "research." Which makes it sound sort of old fashioned; it is. And that's the Jurisdiction treatise I've been doing for 30 years now. It started off as the last component in the Federal Civil Practice Procedure set. It had no antecedent. The Wright and Miller volumes grew out of Barron & Holtzoff, then Barron & Holtzoff (Wright ed.), then Wright and Miller. It's an evolving series of Civil Procedure treatises. The jurisdiction stuff just never existed. And for whatever reason they decided to recruit a third and that was me. And we divided up the subjects. I got some of them. Some of them I really wanted and some of them I was scared of. I've been doing that ever since and that means annual maintenance. I read on average about a thousand circuit court of appeals decisions every year just for my part of this enterprise. Figuring out where they go, what to say about them, then writing it up, putting it in... And then you go back periodically and do new editions. I'm now totally bogged down in the third edition of the justiciability chapter. The rules stuff takes an awful lot of time. There's that. And that keeps me off the streets when I'm not doing rules work.

Now on the side is something that is really not research at all, The American Law Institute. I'm involved in the American Law Institute (ALI) as a member of the Council and as adviser on a string of their projects. In some ways I'm proudest of the one I know nothing about. And that's the Restatement 3d of Torts: Apportionment, on which I and

Mary Kay Kane became advisers because we persuaded them they needed some proceduralists in the crowd. Turns out the reporters were proceduralists in their own right, but hah! There we were and we had an enormous amount of fun doing that. And I have involved with a gratifying number of ALI procedure projects. The newest one, brand new, just launched, is aggregation of litigation. I've done a whole lot of others; international jurisdiction and judgments, transnational procedure, federal judicial code, complex litigation, restatement of judgments. Working on the advisory groups on the restatements is about the most exciting intellectual experience there is for a law wonk. You get a group of about 15 or 20, sometimes more, people, all of whom are extraordinarily bright. All of whom come prepared, focusing on a particular draft. They come from very different perspectives.

What the ALI does is bring together professors, practicing lawyers, and judges to discuss among themselves how this really works out, how this ought to work out, what these subjects ought to become, and that's just enormously exciting. And depending on the year, that takes modest amounts of time, sometimes more than modest amounts. And that keeps you from becoming too cloistered, to kick around these other topics. And there's a sort of side benefit both from the rules work and from the ALI stuff. Working together with the lawyers who are attracted to that kind of process may not be fully representative. They are lawyers who are delighted to be lawyers, who are happy to be doing what they're doing, who are anxious to improve the overall process, whatever it is, that they engage in. They want to "give back" to the profession and the law. And at the end of it you end up feeling reassured on what it is in law school we are collectively preparing our students to become. We aren't making lawyers but we're getting you ready to start becoming lawyers and watching these lawyers is a reassurance that's not such a bad thing.

RG: Having said all that, what do you do in your spare time?

C: What spare time? A variety of things, most of which do not take up a whole lot of time. What amuses me, how I keep myself entertained, often simultaneously with other things, I listen to music a lot or I at least play it, play recordings. I'm not sure I really listen to it. I'm not in any way a sophisticated appreciator of music but I like to have it around. I think they're sort of backing off, but there was a time they claimed that listening to Mozart would improve your IQ by 15 points. Remember that? I'll take all the help I can get. So maybe they're right! I'll play it. I have a whole lot of other folks as well — not just Mozart, and not just sounds that Mozart would recognize as music. I read for amusement, generally stuff that is perhaps marginally acceptable, if you're willing to admit that you read this stuff. Well, yeah, if it's not too polite society. Lots and lots and lots of mystery stories. Sometimes stuff that's a few steps up the literary ladder, things like the Patrick O'Brien books I love dearly. I love anybody who's engaged with those books. Did you see "Master and Commander," the movie? Well that's a mesh of two different Patrick O'Brien novels. The series itself is incredibly beyond the norm for meticulous research into the period. The guy spent years of his life reading journals of naval officers, contemporary news accounts, just all sorts of things. And he created a couple of protagonists who are a pastiche of real people in many ways. And he puts them into astonishing situations. The writing is not as graceful as, say, C.S. Forester who wrote the somewhat similar Hornblower stories. But the books are just terrific. Once in a great while I read a book for fun that is sort of serious but hardly ever terribly serious. And I'll make up for it with something really slack. Like the books about Stephanie Plum, bounty hunter. I love 'em. Love 'em! This does not count as high literature, by any means.

I cook. Weekend meals are my job. I increasingly find myself looking for things that make cooking easy as well as,

Continued on Page 21

NYU vs. U-Mich?

Visiting Student Tastes the Difference

By **Jessie Grodstein-Kennedy**

What is the difference between number 5 and number 7 on the fabled U.S. News Report Top Ten? While we can evaluate LSAT scores and average job placement rates, nothing truly compares to actually attending the schools. As a visiting student at NYU, I am uniquely positioned to do just this. After nearly two and half years at Michigan, I set off for New York University School of Law to spend the fall semester with my husband, who is now employed in New York. Just when I thought my days of being the new kid were finally over, there I was, walking around Washington Square Park with nothing but a campus map and an oversized bookbag.

Which brings me to the first difference between NYU and Michigan. NYU students do not carry backpacks. Students sport any number of slick shoulder bags or the ever-popular messenger bag, but no one carries a weighty multi-pocketed, hip-belt reinforced backpack. No matter how convenient the backpack might be, particularly when carrying close to thirty pounds of books, it's just so...suburban! And then there was the problem of getting to class. What was I to do with the fact that there were two law buildings rather than two floors? Unlike Michigan, NYU does not have a distinct environment cordoning off its sanctuary of law. The west village is not the Law Quad.

On a more substantive level, one of the most striking differences between the two schools is the range of course options. I am currently taking Art Law, Education Law, Alternate Dispute Resolution, Law and Politics, and Multiculturalism and Constitutional Justice. The courses no doubt reflect my bent towards social policy rather than corporate and commercial law, however they provide a sampling of the range that NYU offers. By

comparison, my fall semester at Michigan would have been a struggle to schedule. When searching through Michigan's course offerings, I found precious little in terms of constitutional law, personal and family law, or labor and employment. This disparity is due largely to the fact that NYU is a private institution with far more funding, but as a student who pays a handsome sum for my law school education, I find the funding excuse difficult to accept.

The classroom experience itself is also markedly different. As lax as the Socratic method is at Michigan, it is essentially non-existent at NYU. Of course I have not taken any first year courses at NYU, where the Socratic method is particularly important. Yet, even with regards to as randomly being called on for class, NYU professors seem to give extensive warnings to those students who should "specially prepare." At the same time, the discussion seems to flow far more readily at NYU. While I admit that I am looking only at a microcosm of students – namely those who are in my classes – I am nonetheless amazed at how much they participate in class. People are genuinely engaged, despite the fact that no one is quizzing them on the procedural history or holdings of any one case. When someone comments, there is no audible muttering and snickering about the gunner in the front row. Perhaps because the professors make clear from the beginning that participation counts in the final grade, students seem to take each other's classroom input very seriously.

And then there is the food. While the first day was festive with free coffee, muffins, fruit, and water festooning the front steps of the school, there was, alas, no Zingerman's. And when I returned the following week, the free food was replaced by sushi, paninis, and salads for at least \$6.50 a pop. Sure, Manhattan has its fair share of shwarma and falafel, but

there is no certainly no College Inn. More importantly, there is none of what Cottage Inn stands for – a unified lunchtime. The 12:15 gathering of students is non-existent, everyone scatters to coffee shops, stores on Broadway, or apartments in lands as remote as Staten Island. I have yet to stumble past an open door where someone is holding a discussion on current legal issues. I have yet to even see a poster advertising such events. There are on-line discussion groups where we can "post" our comments or reactions to class-related events. But this use of the Internet does not create a community. While my teacher might read a particularly poignant comment to the class the following day, there is no personal exchange or communal meeting point.

On balance, I consider myself lucky to have had both a Michigan and an NYU experience. I can't say how my analysis would change were I to have started at NYU, but I am certain that I wouldn't have been as content with my legal education as I am now. My first two years at Michigan provided intense training in legal reasoning. While my classmates at NYU are not even required to take Constitutional law, as a Michigan student I am well-versed in the language of strict scrutiny, compelling interests and narrow tailoring. I am accustomed to details, to reading the text slowly and carefully, a skill that I attribute to Michigan Law School.

I know, I know, how dare I mention that cursed list? Well, whether we like it or not, those devils at U.S. News know how to sell magazines. The number 5, but remember, it means nothing...right?

Jessie Grodstein-Kennedy is a 3L. E-mail comments about this article to rg@umich.edu.



Grade Summary - Part 1

Winter 2004

Number receiving each grade

Course/ Section	Professor	Course Name	4.3 A+	4.0 A	3.7 A-	3.3 B+	3.0 B	2.7 B-	2.3 C+	2.0 C	1.7 C-	1.3 D+	1.0 D	0.0 E	I	P	S	Class Size
510/001	Friedman,Richard D	Civil Procedure	2	10	19	28	23	10	5	3					2			102
510/002,003	Cooper,Edward H	Civil Procedure	1	11	14	27	28	11	7	2								101
520/001	Ben-Shahar,Omri	Contracts	1	12	16	28	26	13	5	1								102
520/002	Frier,Bruce W	Contracts	1	12	15	33	27	9	5						1			104
530/001	Kamir,Orit	Criminal Law	3	11	15	30	26	10		5	2				1			103
540/001	Forde-Mazrui,Kim A	Intro to Constitutional Law	3	8	14	32	25	10	7	1								100
540/002	Primus,Richard A	Intro to Constitutional Law	1	10	16	28	25	12	6	3					1			102
560/001	Simpson,Alfred W B	Property	2	9	13	35	31	7	5									102
560/002	Van Houweling,Molly Shaffer	Property	2	8	16	29	26	9	8	2	1				1			102
580/001	Horwitz,Jill R	Torts	1	10	18	29	25	12	5	2					1			103
601/001	Payton,Sallyanne	Administrative Law	1	3	1	1	4									30		41
606/001	Howse,Robert L	Transnational Law	1	2	4	6	3	1							1	1		18
606/002	Barr,Michael S	Transnational Law	6	7	17	16	5	3	1							15		73
606/003	Dickinson,Timothy L	Transnational Law	2	3	2	6	3	4	3	1					2	27		54
606/004	Reimann,Mathias W	Transnational Law	1	7	15	33	21	9	5	6	1					15		115
608/001	Leary,Margaret A	Advanced Legal Research	1	3	5	11	9	3	3							8		45
614/001	White,James J	Sales	1	3	9	13	10	4	2	1	1		1			20		66
616/001	Miller,William I	Bloodfeuds		9	15	25	27	10	4							23		114
621/001	Cardenas,Emilio Jorge	UN Security Council	1	15		17	4									3		40
637/001	Pottow,John A E	Bankruptcy		4	6	11	4	4								8		38
640/001	Roithmayr,Daria	Critical Race Theory	3	7	4	8	7									1		31
643/001	Larsen,Joan L	Crim Pro:Bail to Post Con Rev	1	7	15	17	16	3	1	3					1	28		93
653/001	Hasday,Jill Elaine	Employment Discrimination	2	6	9	20	14	7	4	2						10		74
656/001	Simpson,Alfred W B	English Legal History	1	3	11	17	11	5	2						1	16		67
657/001	West,Mark D	Enterprise Organization	1	8	14	37	28	14								31		134
657/002	Beny,Laura Nyantung	Enterprise Organization	1	2	3	5	8	2								8		30
664/001,002	Halberstam,Daniel H	European Legal Order	1	3	2	8	4	2							3	6		40
669/001	Reed,John W	Evidence	2	11	16	25	17	4	4	1					1	35		117
669/002	Friedman,Richard D	Evidence	2	7	9	22	17	7	4	2					3	14		88
674/001	Oswald,Lynda J	Env Law & Real Property	2	1	7	8	5	2	1							8		36
675/001	Kauper,Thomas E	Federal Antitrust	1	4	9	14	13	8	1							23		78
676/001	Moscow,Cyril	Bus Ping for Pub Held Corps		2	4	18	4									6		34
677/001	Whitman,Christina L B	Federal Courts	1	6	4	6	6	5	2		1					36		67
679/001	Mendelson,Nina A	Environmental Law		3	10	6	10	3	2							12	1	47
680/001	Govender,Karthigasen, Roithmayr,Dari	Constitutionalism in S Africa	2	9	6	8	5											30
683/001	Rosenbaum,Mark D	Fourteenth Amendment	2	4	5	15	12	5	2							25		74
688/001,002	Halberstam,Daniel H	Federalism	1	2	4	6	6	1	1		1				15	4		59
691/001	Avi-Yonah,Reuven S	International Tax	1	6	3	3										1		15
693/001,002	Reimann,Mathias W	Jurisdiction and Choice Of Law	1	16	23	50	39	18	8	3						54		215
693/003	Barr,Michael S	Jurisdiction and Choice Of Law	2	1	5	8	8	2		1						11		38
694/001	Samuels,Joel Hassman	International Litigation		1	10	5	3	1										23
699/001	Winograd,Barry	Labor Law		6	6	17	14	4	2	1						9		60
705/001	Pritchard,Adam C	Mergers and Acquisitions	2	6	11	21	16	6	5	1	1		1					70
712/001	Parson,Edward A	Negotiation		3	11	3	3									4		24
714/001	Soper,E Philip	The Nature of Law	2	3	3	12	3	2								1		30
715/001,002	Mendelson,Nina A	Legislation		4	9	7	10	4	1							13		67
720/001	White,James Boyd	Legal Imagination		5	5	8	3											22
726/001	Kahn,Douglas A	Partnership Tax	2	1	3	1	1	1			2	1				4		16
727/001	Morris,Roberta J	Patent Law	2	5	7	6	7	1	1	1	1				1	12		45
731/001	Niehoff,Leonard Marvin	Legal Ethics & Prof/Resp	1	4	8	15	13	5	2	1					1	32		86
736/001	Payton,Sallyanne	Adv Administrative Law	1	1											1			3
737/001	Alger,Jonathan R	Higher Education Law		7	9	8	3	1							1	1		30
743/001	Pritchard,Adam C	Securities Regulation	1	8	13	24	21	8	3	4								84
747/001	Logue,Kyle D	Taxation of Individual Income		5	7	22	11	4	2	1	1					28		81
747/002	Edrey,Joseph M	Taxation of Individual Income	2		4	8	2	1	2	1						22		48
749/001	Hasen,David Milton	Corporate Taxation	1	1	4	1	3		1							15		26
755/001	Sitkoff,Robert H	Trusts and Estates I	2	7	11	15	14	4	3	3						23		84
757/001	Sitkoff,Robert H	Trusts and Estates II	1	1	3											2		7
758/001	Schneider,Carl E	Law, Medicine and Society		5	3	1				1					1	1		14
759/001	Lutz,Karl E	Private Equity Practicum II		5	4	5												14
768/001	Harlow,Ruth E	Sexual Orientation and the Law	2	3	7	2	2								1	1		19
770/001	Dyk,Sally Katzen	Regulatory Process		4	5	4	2	1								1		19
773/001	Winograd,Barry	Labor & Employment Arbitration		2	7	9												18
774/001	Samuels,Joel Hassman	International Arbitration		3	8	7	2									2		24
777/001	Rine,Nicholas J	Law and Development		3												27		31
778/001,002	Rine,Nicholas J	Law and Development Research		3												27		32
787/001	Edrey,Joseph M	Public Finance II	1	3	1	1	1											7
789/001	Slemrod,Joel B	Public Finance III		2	2													7
793/001	Katz,Ellen D	Voting Rights / Election Law	1	15	13	8	2		1							15		58
794/001	Tonner,Grace C	Senior Judge Seminar II		10	3	1												14

The following classes are not included:

- Seminars and Research classes
- Clinical Classes
- Classes in which no student received a regular grade (A+ through E)

Totals 70 376 562 958 735 276 127 55 12 1 1 1 94 665 1 4055

Winter 2004 Grade Curves

Course/ Section	Professor	Course Name	No. Graded	Mean Grade	Within Range?	Deviation from Grade Guidelines								
						A+	A	A-	B+	B	B-	C+	C	C-
510/001	Friedman, Richard D	Civil Procedure	100	3.25				2						
510/002.003	Cooper, Edward H	Civil Procedure	101	3.20										
520/001	Ben-Shahar, Omri	Contracts	102	3.24			1				1			
520/002	Frier, Bruce W	Contracts	102	3.27	high		1							
530/001	Kamir, Orit	Criminal Law	102	3.23								-5		
540/001	Forde-Mazrui, Kim A	Intro to Constitutional Law	100	3.22										
540/002	Primus, Richard A	Intro to Constitutional Law	101	3.20										
560/001	Simpson, Alfred W B	Property	102	3.25						1	-1			
560/002	Van Houweling, Molly Shaffer	Property	101	3.19										
580/001	Horwitz, Jill R	Torts	102	3.23				1						
601/001	Payton, Sallyanne	Administrative Law	10	3.53	high	1	2		-2	1	-1			
606/001	Howse, Robert L	Transnational Law	16	3.39	high			1	1			-1		
606/002	Barr, Michael S	Transnational Law	55	3.21										
606/003	Dickinson, Timothy L	Transnational Law	24	3.19		1		-1		-2	1	1		
606/004	Reimann, Mathias W	Transnational Law	98	3.16									1	
608/001	Leary, Margaret A	Advanced Legal Research	35	3.23										
614/001	White, James J	Sales	45	3.17				1						
616/001	Miller, William I	Bloodfeuds	90	3.24						1				
621/001	Cardenas, Emilio Jorge	UN Security Council	37	3.58	high		11	-5	4	-4	-3	-2		
637/001	Pottov, John A E	Bankruptcy	29	3.36	high		1	1	1	-2	1	-1		
640/001	Roithmayr, Daria	Critical Race Theory	29	3.56	high	2	4				-2	-1		
643/001	Larsen, Joan L	Crim Pro: Bail to Post Con Rev	63	3.31	high			4			-2	-2		
653/001	Hasday, Jill Elaine	Employment Discrimination	64	3.22										
656/001	Simpson, Alfred W B	English Legal History	50	3.28	high		-1	3						
657/001	West, Mark D	Enterprise Organization	102	3.25					2		2	-5		
657/002	Beny, Laura Nyantung	Enterprise Organization	21	3.30	high					2		-1		
664/001.002	Halberstam, Daniel H	European Legal Order	20	3.38	high		1	-1	1			-1		
669/001	Reed, John W	Evidence	80	3.34	high		2	2			-2			
669/002	Friedman, Richard D	Evidence	70	3.22										
674/001	Oswald, Lynda J	Env Law & Real Property	26	3.37	high	1	-1	3						
675/001	Kauper, Thomas E	Federal Antitrust	50	3.25				1				-1		
676/001	Moscow, Cyril	Bus Plng for Pub Held Corps	28	3.36	high				8	-2	-2	-1		
677/001	Whitman, Christina L B	Federal Courts	31	3.25			3		-2	-1	1			
679/001	Mendelson, Nina A	Environmental Law	34	3.28	high			4	-3					
680/001	Govender, Karthigasen, Roithmayr, D	Constitutionalism in S Africa	30	3.61	high	1	6	1		-1	-2	-2		
683/001	Rosenbaum, Mark D	Fourteenth Amendment	45	3.26	high	1		-1						
688/001.002	Halberstam, Daniel H	Federalism	21	3.20							-1			
691/001	Avi-Yonah, Reuven S	International Tax	13	3.79	high	1	5	1		-3	-1	-1		
693/001.002	Reimann, Mathias W	Jurisdiction and Choice Of Law	158	3.22										
693/003	Barr, Michael S	Jurisdiction and Choice Of Law	27	3.29	high	1	-1					-1		
694/001	Samuels, Joel Hassman	International Litigation	20	3.46	high			7		-1	-1	-1		
699/001	Winograd, Barry	Labor Law	50	3.23										
705/001	Pritchard, Adam C	Mergers and Acquisitions	70	3.17										
712/001	Parson, Edward A	Negotiation	20	3.58	high		1	8	-2	-1	-2	-1		
714/001	Soper, E Philip	The Nature of Law	25	3.43	high	1			4	-2		-1		
715/001.002	Mendelson, Nina A	Legislation	35	3.30	high			3	-2			-1		
720/001	White, James Boyd	Legal Imagination	21	3.52	high		3	1	1	-1	-2	-1		
726/001	Kahn, Douglas A	Partnership Tax	12	3.12	low	2		1	-2	-2		-1		2
727/001	Morris, Roberta J	Patent Law	31	3.35	high	1	2	2	-2		-1	-1		
731/001	Niehoff, Leonard Marvin	Legal Ethics & Prof Resp	49	3.23										
736/001	Payton, Sallyanne	Adv Administrative Law	2	4.15	high	1	1		-1					
737/001	Alger, Jonathan R	Higher Education Law	28	3.55	high		4	4		-3	-1	-1		
743/001	Pritchard, Adam C	Securities Regulation	82	3.21								-1		
747/001	Logue, Kyle D	Taxation of Individual Income	53	3.22					4			-1		
747/002	Edrey, Joseph M	Taxation of Individual Income	20	3.26	high	1	-1	1	1	-2	-1			
749/001	Hasen, David Milton	Corporate Taxation	11	3.43	high	1			2	-2		-1		
755/001	Sitkoff, Robert H	Trusts and Estates I	59	3.26	high		1	1			-1			
757/001	Sitkoff, Robert H	Trusts and Estates II	5	3.88	high	1		2	-1	-1				
758/001	Schneider, Carl E	Law, Medicine and Society	10	3.64	high		4	1	-2	-2	-1		1	
759/001	Lutz, Karl E	Private Equity Practicum II	14	3.66	high		3	2		-3	-1	-1		
768/001	Harlow, Ruth E	Sexual Orientation and the Law	16	3.69	high	2	1	4	-2	-1	-1	-1		
770/001	Dyk, Sally Katzen	Regulatory Process	16	3.53	high		2	2		-1		-1		
773/001	Winograd, Barry	Labor & Employment Arbitration	18	3.53	high			4	3	-4	-1	-1		
774/001	Samuels, Joel Hassman	International Arbitration	20	3.54	high		1	5		-2	-2	-1		
777/001	Rine, Nicholas J	Law and Development	3	4.00	high		3		-1	-1				
778/001.002	Rine, Nicholas J	Law and Development Research	3	4.00	high		3		-1	-1				
787/001	Edrey, Joseph M	Public Finance II	7	3.76	high	1	2		-1		-1			
789/001	Slemrod, Joel B	Public Finance III	6	3.67	high		1	1		-1				
793/001	Katz, Ellen D	Voting Rights / Election Law	40	3.35	high		-2	8			-1	-2		
794/001	Tonner, Grace C	Senior Judge Seminar II	14	3.89	high		8	1	-3	-3	-1	-1		

Key: No. Graded - The number of students in the class receiving grades A+ through E
Mean Grade - Based on the No. Graded (rather than the Class Size)
Within range? - Based on the guidelines for Mean Grade: 3.13 minimum; 3.19 target; 3.25 maximum
Deviation from Grade Guidelines
<blank> : the number of students receiving that grade within the target range



Jobless and Worry-Free: A 3L's Story of Hope and Redemption

By Liz Seger

I went home for Yom Kippur. I thought it would be a nice break from my hectic 3L schedule of stressing over clinic work, going to class as little as possible, and avoiding those friendly questions about what I'm going to do next year. The dreaded Job Question. Hi, my name is Liz, and I don't have a job. I don't have a job offer. I don't have an interview. I don't even have a lead.

Not that I'm stressing about it. When people ask, I say that I don't know what I'll be doing, but I'm sure it'll work out. Yes, it's a tough job market out there right now, and I expect that the Class of 2003's 99% employment rate may be pie-in-the-sky for the Class of 2005, but how much could it possibly slip? This is still Michigan, and I don't think it's unreasonable to expect that I'll be able to snatch a tasty morsel of a job right out of the craw of a Cooley grad who got better grades, knows more black letter law, and just plain works harder than I. Frankly, I've been a bit smug. Okay, a lot smug.

Usually, Yom Kippur is good for smacking the smug right out of me. Somewhere between the killer caffeine headache, the confession of sins that is supposed to be general enough to apply to everyone but always feels like it was written just for me, and the litany of good deeds I should be doing but have shirked, I get humble enough to be a little less of jerk for the new year. But this year I swear it just made me more smug — all that talk of working for justice and freeing the captives made me feel warm and fuzzy about my future plans to do criminal appellate work. Well, you know, in my hypothetical future. When I have a job. Hypothetically.

Then, in the midst of stuffing my face with egg salad sandwiches at the break-

fast, I got my comeuppance. First, for the five of you who aren't Jewish, let me explain that while the synagogue may offer respite from law school, it offers no respite from lawyers. Except for a handful of dentists, pretty much everybody is a lawyer, or has a kid in law school. And since the synagogue in question is a stone's throw from the headquarters of Lexis-Nexis, we get even more than our fair share. This crowd knows the score.

So, when the elderly lady in the mohair jacket asks, "What are your plans?" and you reply, "Uh, I don't really have plans yet," she doesn't say, "Don't worry, honey, you go to Michigan!" Nope. She says, "Isn't it getting a bit late?" Yes. "Have you been interviewing?" No. "Have you been sending out resumes?" Uh, no. "So what do you think is going to happen, exactly?" Good question. I mumbled something about 'networking.' And somewhere deep inside, very quietly, I started to panic.

I'm not the only jobless 3L. We're the ones not walking the halls, serenely, in Skadden t-shirts, so we're hard to spot, but there are plenty of us. Some, like me, have held a string of summer jobs that don't blaze a clear trail to job offers and fat paychecks. Some have a fierce, not to say peculiar calling to particular area of public service, such that there is very little to be done except get our names out there and wait and see. But others have done everything right to have an offer in hand by now, but no luck.

For all of us, I offer the tale of my college buddy. Paul graduated college in '96, the year I was supposed to graduate, if I hadn't done all of that changing majors, dropping out, moving to insane locales, baby making, etc. He went on immediately to a top-ten law school, and then to the JAG Corps. When he got out last year, he had a dream job waiting for

him at a large regional firm, doing work he loves. It was perfect. And then it wasn't. It started with small things, like the managing partner chastising him for not using the realtor the firm had recommended. You can imagine the rest. So he started looking for a lifeboat to take him away, and found one: a smaller firm, shorter hours... only, that didn't work out, either. So, five years out of law school, he's in the same boat I'm in. No prospects in sight, no clue what the future will bring and wondering if he'll recognize the right job when it comes along. But is he panicking? No. "Patience," he says. "You never know how it will, but it always works out."

The truth is, none of us is likely to find our dream job the first time out. We are all in the same boat, trying to bridge the gap between our passions and what the world will pay us to do. Panicking only leads us to take jobs just because we need them, and not because they need us and (I'm feeling all spiritual here) the particular gifts we have to offer the world. It's going to take patience and experience for all of us to find our right places. Fortunately, a lawyer's career path is forgiving. We're going to be rejected, we're going to take wrong turns, and we're going to find new opportunities, over and over again. I'm going to take Mrs. Guttman's admonitions to heart and send out some resumes this week, but I'm still not going to panic. It will all work itself out in time.

Still, check back in a few months to see if this optimism holds. And if you know anybody who wants to pay me to get poor people out of prison, by all means let me know. I want to have something better to tell the old ladies at Passover.

Liz Seger is a 3L. E-mail comments about this article to rg@umich.edu.



Okay, So Maybe I Was Wrong...

By Matt Nolan

For those of you who were around during OCI week and orientation, you may have picked up a copy of the RG and read my column entitled, "Optimism with Cause," in which I predicted that Michigan Football would go into the Horseshoe in Columbus on November 20th undefeated and playing for a slot in the Orange Bowl national championship game.

I was wrong.

First, I expected that Matt Gutierrez was going to be Michigan's starting quarterback, a standout who had been in the system for two years and was ready to take the reins. When Chad Henne took the first snap of the game against Miami (OH), I knew this season wasn't going to be what I had anticipated.

Don't get me wrong – it's not that a team can't win with a freshman quarterback. It's been done occasionally, and Henne shows an amazing amount of talent for a kid who four months ago was attending his senior prom. When you combine the rookie quarterback with our unproven running game – well – that's where things get sticky.

David Underwood is not as good as I thought he would be, and his injury early in the Notre Dame game is a big part of why we couldn't get in the end zone in the 1st half. After the San Diego State game a week ago I have hopes that Mike Hart will emerge as a solid running back, and Henne is learning...slowly, but still learning.

I didn't want this year to be a "learning" season, but in retrospect I should have seen it coming. Even if Gutierrez and Underwood had been good, it still would have been two guys who hadn't ever started for Michigan before running the offense, and in the world of college football, experience counts for a LOT.

Now the good news:

Michigan football is not going to dominate the schedule this year, but we should still be favored in every game. The Big Ten in general has a lot of inexperience at quarterbacking, and our defense is still one of the best in the country when it decides to be. Despite looking sloppy against San Diego State and losing to Notre Dame, I still believe that Miami (OH) and the Aztecs are going to be at or near the top of their respective conferences (MAC and Mountain West), and the Irish aren't as bad as we thought they'd be.

Michigan has won one national title in the last 55 years, and to expect to contend for it every year just is not realistic. The Big Ten is what Michigan has always cared about the most regardless, and it should be what we care the most about. Bo Schembechler used to say that the only reason we play the non-conference games is to gear up for the Big Ten schedule, and I'm starting to see the logic in that position. A year ago we played Central Michigan and Houston in our warm-up games; this year we had contenders.

Another positive point: There is a lot of upside to playing young players with lots of talent. They will improve drastically over the season, more so than older players who have already gotten closer to their potential. Make no mistake about it, Chad Henne and Mike Hart are going to be absolute MONSTERS in two years when they are both juniors...right about the time I expected them to step into the starting roles. They'll now be doing that with two years' experience, and that's scary-good.

Despite my tone above, don't get me wrong – I haven't given up on this season yet. While we will have to work harder to get the wins, I still believe they'll come and that Michigan is going to be playing for the Big Ten title and a Rose Bowl berth when we visit OSU at the end of the year. All that's changed is that each game will

make us a little more nervous, a little more focused on watching, and keep us away from the books a little longer, too.

I don't do work on Saturdays, and not because of religion. I don't work on Saturdays because to take one day to focus entirely on college football is to me a great way to cleanse the system and get ready to get back into battle with the books the following week. The opportunity we have to watch a stellar program like Michigan's go to battle every week is one that we shouldn't take lightly – most law students aren't that lucky.

After the game this week, Lloyd Carr was asked a question about leadership, and while I don't remember his exact quote, in effect he said, "Leadership and character mean a lot more when they're self-induced." It takes hard reminders to learn the important lessons in life, and Coach Carr's quote served as a great reminder to me both of that and of the purpose of college football in the first place – as educational, as just another tool in the University of Michigan's deep arsenal to make us all the Leaders and Best.

We'll get to watch our fellow Wolverines learn by fire all season long, and while the Orange Bowl is now a long shot, after all of these hurricanes the sound of a Southern California beach near Pasadena sounds pretty good.

As always and forever, Go Blue.

(At the time we went to print, the outcome of the Michigan v. Iowa big ten opener was not yet known).

Matt Nolan is the Executive Editor of Res Gestae. Questions? Comments? Phone numbers? Send 'em to mjnolan@umich.edu.





It's Okay to Play Games in the Quad, and With Your Life, But Not If You Suck

By Mike Murphy

What my landlord described as a "war between us (meaning him) and the Post Office" left me without mail after OCI for a week-and-a-half.

So for a while, get this: No ding letters! I had this idea that everybody was going to call me back. Shoot, that'd work forme! And also the idea that my creditors had decided to just let me use the utilities and credit cards for free...whatever! Cool!

Not cool.

When the Treaty of Tappan Avenue was finally ratified, my landlord came around and told me the entire story. At length. In my doorway. (I would have let him in, but, uh, I'd made a few "adjustments" to our kitchen table that I felt he might not have been enthusiastic about.)

See, there's a tag that goes in your mailbox when you move out of an apartment. It tells the mailman that the apartment's now vacant so that he/she/it knows not to put any pizza coupons or airport parking coupons in there, eliminating clutter. Thing is, the tag left by my apartment's previous tenant is hard to see in my particular mailbox. You'd have to sit on the ground underneath it to see it. Our mailman noticed that we'd moved in and *actually delivered our mail for a week* before he noticed the tag and *stopped delivering the mail*. Why? Letter of the law. (Har Har). I mumbled something about a strict Textualist interpretation of mail policy (Scalia-esque, if you will) and shrugged. Law school has changed me.

I listened to his story for ten minutes, realizing this was more like a client interview than an explanation for why basic apartment services were

inexplicably suspended. Poor guy was pouring his heart out about it. I told him that it was okay, and that I understood we all have to follow rules. I told him he should talk to the actual mailman who delivers the mail and build a personal relationship – maybe next time he'll get the rules bent for us? Maybe the mailman would take the tag off himself?

"This doesn't have to be a war," I said, "if you don't want it to be." My landlord and I agreed that giving peace a chance was a good solution, and I wrote up an invoice billing his ass \$250 for the half-hour of my time. "And hey," I made sure to mention as my landlord walked off noticeably relaxed, "Nothing good ever comes in the mail anyway. You know?"

Now, I'm not often right about things. Ask anyone who's in any of my classes. But man, when I'm right, I'm right. Amidst the pizza and parking coupons, my landlord handed me FOUR bills and EIGHT dings.

Oh, snap. Eight rejections one day is, to say the least, excessive. My early success as a client coddler dropped like yesterday's bran muffin. I felt immediately broke AND unemployable.

So I decide to take solace in the one place we all know as a soothing place of restful quiet. A place where drama and stress are ghosts of shadows. The law quad. (Yes, I'm that stupid).

There were, as there usually are, people playing Frisbee in the quad. And like most people who play there, they *sucked*. A guy was doing some sort of messed up hammer throw in which the Frisbee is turned 90 degrees from the way it's meant to be thrown and tossed with a turn of the wrist that sends it flying, upside down, in a direction completely unrelated to the person for whom the throw was

meant and on a collision course with dozens of unsuspecting passersby.

Then, the thing's tipped more times than a Chad Henne pass and there's no Braylon on the other end to pull it in (or, um, an opposing player to grab it for the third interception of the game). And it nails me on the right leg, an area of my body that's literally and figuratively a sore spot for me.

(And let's address the football issue, briefly. What was with the football team's Ohio State impression against San Diego State? You know, where a far superior team makes the other team look like the '85 Chicago Bears (up to and including the record deal) for three-and-a-half quarters and somehow makes it out with a win that they all celebrate? I swear, Ohio State could take St. Mary's Catholic School for Girls Powder Puff team to the last seconds of the fourth quarter and win on a blocked punt safety by nailing the punter, Jayme, in the end zone. Okay, that also came out all wrong, and we'll subsequently move on).

No permanent damage with the Frisbee, and the kids apologized and immediately returned to trying to look cool. But the message was clear, I felt: Sucking is *dangerous*. Ask anyone who was around when guys were throwing a damn lacrosse ball around last spring. A lacrosse ball! It was like that beer commercial where the trained bird swoops down and steals the bottles of beer from the outdoor bar. People were literally ducking and covering.

That's not to say you *can't* suck. You can! Just go to Elbel Field, or the Diag, or any much larger and more forgiving enclave. Work on your games there, and move over! It's just that simple. Nobody

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Student Wonders What Was Accomplished

Submitted by Doug Sanders

Mission Accomplished?

"Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction." (Bush, from DOD, Oct. 8, 2002.)

Well, all right. He is obviously a homicidal dictator. But let us assume that President Bush was right about what he was implying – that Saddam was homicidal towards America. Notwithstanding the fact that Saddam Hussein had not invaded another country since 1990, and had made no motions to attack the United States leading up to the recent war, the President made the connection between Saddam's vicious regime and Al Qaeda, and showed the world that Saddam possessed WMDs

which posed an imminent threat to the homeland.

"For diplomacy to be effective, words must be credible – and no one can now doubt the word of America." (Bush, State of the Union, 2004.)

Good thing he was right on that one. However, don't knock him – everyone is entitled to make a mistake now and then. So what if those refs blew that Terrell Owens touchdown call last Monday night? So what if I still have no idea how to handle any Rule Against Perpetuities problem? So what if we went to war for a false reason, causing the deaths of over a thousand American soldiers, regular beheadings of American civilians, and Iraqi deaths estimated at or over 15,000? He's only the leader of the free world, so please don't set your standards too high – he's really, really trying!

"Combat forces of the United States, Great Britain, Australia, Poland, and other countries enforced the demands of the United Nations, ended the rule of Saddam Hussein – and the people of Iraq are free." (Bush, State of the Union, 2004.)

So off we went to war, and with numerous allies. This would surely be a highly cooperative, diverse coalition – and of course, those who decide not to join us are not dissenters; they are merely unwilling. Britain was indeed a close ally. Who else joined us? Not any other European power – unless you want to count the Spaniards, who have since withdrawn. Very little of Latin America (but thanks, El Salvador!). Almost none of Africa, although the full military force of Eritrea is at our disposal if we finally want to put this thing away.

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Response to "What Would Jesus Do?"

Submitted by Jeffrey Schwab

In response to "What Would Jesus Do? Vote Democrat" by Nicolas Jampol, September 14, 2004:

While I disagree with Mr. Jampol's unsupported theory that Jesus would vote Democrat, I've elected to devote this article to critique his misunderstandings of Jesus and the Bible. He claims not to be a Biblical scholar, and neither am I, but I will support my claims with Biblical verses.*

Mr. Jampol's main point is that Jesus focused on tolerance, acceptance, and love. This interpretation distorts the nature of Christ, who loves humans yet admonishes human sins. Christ defines love in terms of law—"if you love me, keep my commandments" (John 14:15)—and law in terms of love—the greatest commandment is to love Christ with all our minds (Matthew 22:37).

Jesus says in John 7:7, "The world...hates me because I testify that what it does is evil." Jesus makes a distinction between the person and the sin (See John 8:3-11, where Jesus does not condemn a woman caught in adultery, but commands her to "leave her life of sin" and John 5:14, after Jesus heals a paralytic, he says "Stop sinning or something worse may happen to you"). The love of Jesus Christ seeks to free people from their sins, not to embrace their sins. An example should make this clear: If your mother were an alcoholic, you would still love her. A misunderstanding of Christ's teachings would require you to love, tolerate, and accept her alcoholism.

This understanding has no Biblical basis. If you love your mother, you would want her to stop drinking. It is the same with Christ: He loves us so much that he will not simply tolerate and accept what is harmful to our

existence—he wants us to stop sinning.

The problem is not that Christians are failing to focus on the important principles of the Christian faith. The problem is a misunderstanding of what those important principles are. The only way to understand the principles of Christ is to read the Scriptures.

*It takes few words to make a claim, but many to dismiss it, thus in this short article I am unable to address each claim. However, this should not be taken to mean that those claims that I did not address are correct.

If you'd like more information on Christ's teachings please email me at jeffsch@umich.edu

Jeffrey Schwab is a 2L. E-mail comments about this article to rg@umich.edu.





Burned to a Crisp: The Arcade Fire Releases a Classic

By Steven Boender

About once per year, an album comes along that completely broadsides me and blows me away, becoming the benchmark for musical comparison the following year. Two years ago it was Interpol's debut record, last year it was The Unicorns' brilliant *Who Will Cut Our Hair When We're Gone?*, and this year's winner in the pleasant-surprise category is The Arcade Fire's *"Funeral."* I may be prone to overhyping records that I really like, but I have to say that this record is a stunning exhibit of exuberant pop perfection, and nothing else released this year even comes close.

My first encounter with The Arcade Fire actually occurred in Chicago this past summer, months before the record came out (or "dropped," as we insiders like to say). I went to see The Unicorns, and The Arcade Fire were the opening act. I had never heard of them, but I usually try to show up early at the venue of this particular show, the Open End Gallery, a bit early, as they offer cheap PBR out of a keg in plastic cups. So I arrived early, had a few drinks, and two songs into the set I was staring down into my cup mumbling things like, "[expletive], these guys are good."

Eschewing the traditional rock arrangement of guitar/bass/drum/vocal, the band consists of 7 members who play a variety of instruments and share vocal duties, along with the aforementioned traditional rock staples. At one point during their set, two band members wore open-faced motorcycle helmets and aided the percussion effort by beating on the helmets with drum sticks. Did I mention they were an energetic bunch? Anyways, here we are, a few short months later, and The Arcade Fire's debut CD, which I un-

successfully sought out the day after the show, is finally finished.

Perhaps the most striking attribute of the record is the pure exuberance with which the band approaches each song. Nothing here is phoned in, superfluous, or half-assed. Surely they employed some studio trickery, but the record sounds as if the band geeked up on pixie stix and caffeine and banged out all 10 tracks on the first try. Their live set allows the band to display just how much they love playing music, and the record miraculously pulls off the same feat. Every song here showcases a band playing its absolute hardest, with a passion striking in contrast with the detached cool permeating so many young bands' releases over the past several years.

The record's sound is a sort of ADHD-riddled tour through sounds, textures, and tempos. "Rebellion (Lies)", one of the standout tracks, is a piano-driven stomper that features some well-placed strings, guitar work, and always-appreciated handclaps. It also contains one of my favorite lyrical lines of the record, "Sleeping is giving in, no matter what the time is / Sleeping is giving in, so lift those heavy eyelids," seemingly summing up the band's entire philosophy toward music in a single verse. "Rebellion" is followed up by the record's closer, "In the Back Seat," one of the tracks featuring Régine Chassagne's haunting lead vocals accompanied by spare piano and strings, which builds to an emotional peak of guitars, strings, taking Chassagne's voice dangerously close to its breaking point, then fades back down to a whimper and ends with a simple series of plucked violin strings. You know how sometimes you hear a song and then wish that you could see the video? This is one of those songs.

In my inane, hyperbole-filled touting of this album to friends recently, I repeatedly faced the "what do they sound like" question. In this case, I was, and continue to be, left pretty much clueless. There are elements of some of Pulp's bouncy Britpop, The Pixies' quirkiness, and Polyphonic Spree's choral gymnastics here, but ultimately the comparisons don't really do the songs justice. It's just another band who is able to make melodic, energetic pop songs that stick in your head, but still remain interesting ten listens down the road – an accomplishment that gets harder and harder as the years go by and the good ideas get all used up.

I'll be the first to admit that I have too much faith in my writing, so when I saw this particular quote about The Arcade Fire, I knew I couldn't top it, thus I have to pass it on to all of you, because it says so efficiently what I've been trying mostly unsuccessfully to say for several paragraphs:

"It takes a band like Arcade Fire to remind you that we are all custodians of our innocence and that we let it die at our peril." —Robert Everett-Green, *Toronto Globe & Mail*

Indeed.



CORRECTION

In the last issue we told you that the SFF voucher program is a painless way for you to milk a \$75 donation out of each callback. Actually, it's a \$150 donation per hotel room you forego. Voucher forms are available in the Office of Career Services.



DEMOLITION, from Page 1

interest.” The main source of these funds occurs through an auction that is held in early April. As that is the case, I was not overly surprised to see that boxes in the office were still unpacked and computers had not yet been set up. In addition, the SFF shares the cramped office with the Native American Law Students Association (NALSA), a less than ideal situation. Ms. Oerther assured me that plans are underway to find a more suitable, permanent home for SFF.

So why was the house at 721 South State Street demolished? This property and an adjoining university parking lot will be the new site for the Gerald R. Ford School of Public Policy. The new building will be named Weill Hall after a generous gift of \$5 million from Joan and Sanford Weill and the Weill Family Foundation, along with President Ford’s endorsement of the name.

The School of Public Policy is recognized as one of the top policy schools in the nation, and with this new facility, it is will be in line with the quality of its students, faculty, and programs.

Other facility changes in the University of Michigan community include our neighbor, the Business School, which was recently given a lavish \$100 million gift by class of 1962 Business

School alum, Stephen D. Ross (whom the Business School is now named after). Nearly 75% of this gift is earmarked towards improving the Business School facilities and grounds to meet its education objectives of providing greater potential for student and faculty interactions, promoting and fostering team-oriented learning and relationships, and to improve the general aesthetic qualities of the Business School building and grounds.

No specifics were given as to what exactly these facilities’ improvements would entail as it is still early in the process and talks between the Business School and architects have not yet occurred. In any event \$100 million will go a long way to ensure that the Business School facilities are top-notch, commensurate with the program, staff, students and faculty.

So what does this all mean? I know graduation may seem like some distant time and place for some of us here at the Law School, but hopefully all of us will graduate from the Law School, be extremely successful in our careers, and donate generously back to Michigan Law School.

For the lucky few of us, perhaps one day we may have a building named after us. One can only dream.



BAR, from Page 3

Red Hawk: One of the better bar food places in the area – where else can you get a seared tuna sandwich and a pitcher of beer? Okay, you can get that on a damn street corner in this town, but trust us, they do it good. Have fun getting a table.

Necto: No, it’s not a gay club. Okay? Repeat after us: it is **NOT** a gay club. Pride Night Fridays, yes, is a gay *night* but even then there’s plenty of straight people and arguably the best dance floor you’ll find in town. You’re not too manly to go; you’re not manly if you’re afraid to go. Cover’s usually low, and things like dollar-LIT drink specials happen on several different nights. Two floors, an underrated outdoor patio, and great DJs make this club underrated.

Scorekeepers: This place gets no love. Where else can you make a complete ass of yourself as you trip UP the stairs and your best friend is more embarrassed than you, and she yells for you to get up but you’re too drunk to remember how to do that and frankly too drunk to even care? I guess law students think they’re above this kind of behavior. Haters.

Goodnight Gracie’s: Hands-down, flat-out, the BEST live music in this town. The jazz quartets alone are worth it, but the rock bands there are also fantastic. And it’s free. And the crowd is... interesting. On weekends, if you love music and you go anywhere else, you’re just dumb. The martini’s and cocktails are little steeper than the South U. strip, but you get what you pay for.

Conor O’Neill’s: We certainly can’t forget our token Irish Pub—every good neighborhood has one—where you can fulfill that craving for corn beef and potatoes and wash it down with a cold pint of Guinness. I personally recommend the dessert—I didn’t even know the Irish were known for their dessert! Ahh, the things you will learn at Michigan. No wonder it is a top-ten school.



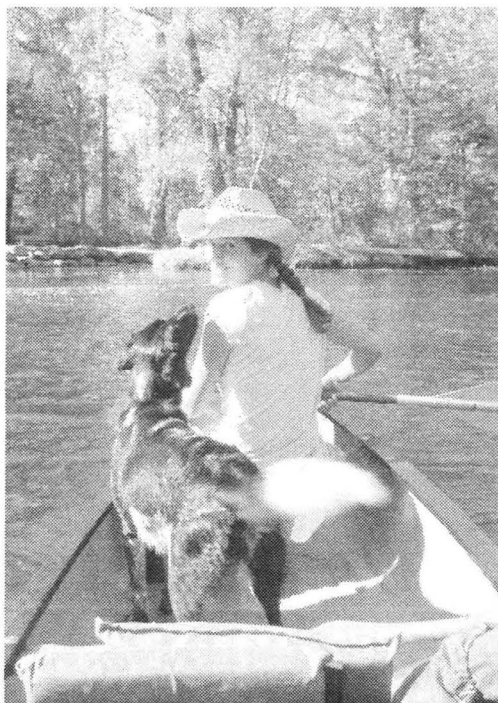
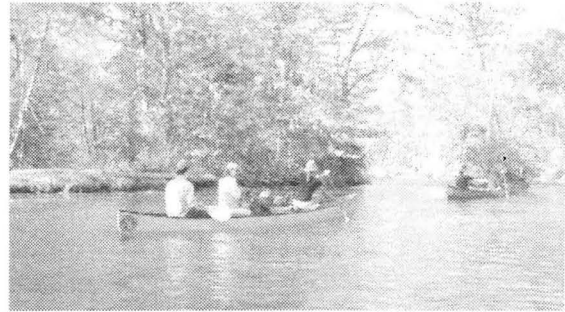


Environmental Law Students Hit the Sticks at Annual Canoe Trip



The Environmental Law Society's Annual Canoe Float along the Huron River Saturday 18th, and Sunday Sept. 19th.

On Saturday ELS camped out in the Hudson Mills Metropark, cooked up some fine chili for dinner, then floated downriver on Sunday and headed home with a stop for cider and donuts at the Dexter Cider Mill.



What Students Should Know About Academic, Student Services

Office of Student Services

By David Baum and Marilyn Genoa

Even if you're a new student, you have already had contact with the Law School's Office of Student Services ("OSS") through your participation in the Orientation and Service Day programs. But that was only the beginning. OSS, staffed by Assistant Dean David Baum and his assistant, Marilyn Genoa, does much, much more.

OSS is available to answer any questions you have; simply e-mail lawstudentservices@umich.edu. If OSS doesn't know the answer, it will at least point you in the right direction. Whether your question is obscure ("Where can I find a typewriter on campus? How can I get the University to pay for me to take my professor to lunch?) or more common (How do I get student health insurance? What do I do if I have to miss classes for a few days? or how do I take a class outside the Law School?), lawstudentservices@umich.edu is the place to send your question.

OSS also organizes informational meetings for first-year students with the assistant deans at Dominick's, brings lawyers and judges to the Law School for interesting "brown bag lunch" talks, and sponsors the Client Counseling Competition in the winter term.

Dean Baum himself has the following responsibilities: administration of the Academic Standards Committee, which hears and decides matters involving academic policies; interpretation of the Academic Regulations; academic and course advising and related programming; crisis intervention; disabled student services; grievances; referrals to Law School, University, and

community resources; safety issues; receiving sexual harassment complaints; and dealing with special registration and examination issues. Marilyn Genoa provides administrative support, schedules special programs, brown bag lunches and competitions, and is the person to contact to make an appointment with Dean Baum.

OSS also works closely with the Office of the Registrar ("RO") to provide assistance with dropping and adding classes, understanding the "pass/fail" rules and procedures, requesting permission to take classes outside the Law School and rescheduling exams (if appropriate) in unusual circumstances. Dean Baum oversees the RO. That Office is staffed by Jack Atkinson, Registrar, whose main areas of responsibility are monitoring students' progress toward fulfilling degree requirements, managing student records data and overseeing the bar and graduation certification processes; Amy Bishop, Curriculum Coordinator, who manages all aspects of registration; Debby Hartranft, Exam and Grade Coordinator, who is responsible for administering examinations and the grade posting process; and Shirley Noland and Missy Pelfrey, who preliminarily field questions concerning all Registrar's Office functions, fill student requests for letters and documents, process locker registration and room reservation requests, and help with the bar certification procedure.

The Office of Student Services makes every effort to live up to its name; it is there to help you with whatever you need. Contact them by visiting 301 Hutchins Hall, calling 764-0516, or e-mailing lawstudentservices@umich.edu.



Office of Academic Services

By Charlotte H. Johnson

Building community. Enhancing opportunity. Clearing a path. Those three non-sentences aptly describe the mission of the Office of Academic Services (OASES), which was created seven years ago when I came back to the Law School to serve as a senior administrator. A relatively new office with lots of "old-school" flavor, OASES is the close sibling of Student Services, without the sibling rivalry. Dean Baum and I work closely together and have the common goals of being accessible and helpful to students who seek our assistance.

The office seeks to build community through peer support programs like the Michigan Access Program (MAP) and the First-Year Information Program (FYI), as well as its work with and oversight of student organizations, which are responsible for a great deal of the Law School's extra-curricular happenings. OASES serves as a clearinghouse for and administers many policies affecting student organizations, most notably the alcohol policy, which was revised last year and seems to be working well, thanks to the assistance and leadership of the Law School Student Senate. Student organizations considering sponsorship of events where alcohol will be served should review the Law School's Alcohol Policy, now available on-line.

OASES works with other Law School Offices on policies and projects which affect students. An example of such collaboration is the current proposal to expand and improve the website services currently provided to law student

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ACCOMPLISHED, from Page 15

Uzbekistan and Azerbaijan into the Coalition of the Willing. I am not suggesting that we should never be free to go it alone when the need arises – we are The Superpower of the world. All I ask is that a president and his cabinet not diplomatically chastise our potential allies so much so that we are forced to invade another country virtually alone. The President has done just that, while claiming that the world's population is all behind us.

"The tyrant has fallen, and Iraq is free." (Bush, May 1, 2003.) "The people of Iraq have regained sovereignty." (Bush, address to UN, Sept. 21, 2004, spoken from another planet.) "Mission Accomplished" (banner on USS Lincoln, 17 months ago).

Well, so what if our fundamental purpose for going to war proved to be absolutely and completely wrong? (Questions? Please consult, um, the Bipartisan 9/11 Commission). At least the Iraqi people are now well on their way to freedom, liberty, democracy, happiness, or any other lie that will garner votes for our freedom-loving Commander-in-Chief (remember, the other guy hates freedom). I remember as a little kid, if I wanted something from my parents, I would give some reason why I wanted it. If that didn't work, I would suddenly change course and give some other, unrelated reason why I wanted it. Hopefully, they wouldn't even notice that I just completely changed my mind!

Now, after being wrong about Saddam possessing WMDs, after being wrong about the end of the War in Iraq (which he declared less than two months into a war which has now lasted 19 months with no end in sight), after failing to enlist most of the nations of the world into his coalition, and while watching as the suicide bombings, gunfights, beheadings and large-scale attacks mount daily, at least the President should level with his own people. But during his reelection campaign, George W. Bush has done

nothing but lie directly to the cameras and hope that nobody notices. He is painting a rosy and false image of Iraq, because if you stick with your lies, at least some folks will think that you're decisive. As recently reported by CNN, a National Intelligence Estimate was sent to the White House with a warning predicting that the best case for Iraq was 'tenuous stability' and the worst case was civil war. Reader, read the three quotes just above again. These words were spoken by the President, and flown on a banner behind him. Is Iraq free? Have the Iraqis regained sovereignty? Is the mission accomplished even today, let alone on May 1, 2003? Then ask yourself this: Is the President of the United States a liar, or is he just egregiously incompetent? *

* Several Senators in the President's own party have broken ranks with him to voice their opinions on the war. Although he said, before the war, "We will win this conflict. We will win it easily," John McCain now loudly suggests that Bush was not being "as straight as maybe we'd like to see" with the American people about Iraq. He says that "it was 'a serious mistake' not to have had enough troops in place 'after the initial successes' and that the mistake had led to 'very, very significant difficulties,'" and that Bush's "rosy view of Iraq as on the path of stability and democracy may not be accurate." (Washington Post, Sept. 19, 2004.)

Of course, McCain might have an axe to grind – after all, according to the South Carolina Bush 2000 campaign, he has an illegitimate black child. But Chuck Hagel of Nebraska and Dick Lugar of Indiana have no ulterior motives. Hagel has recently stated that "The worst thing we can do is hold ourselves hostage to some grand illusion that we're winning. Right now, we are not winning... The fact is, we're in trouble. We're in deep trouble in Iraq," while Lugar has blamed the failure of the reconstruction efforts on "the incompetence in the administration." But who are these guys? They can't know what they're talking about – they are only a member

of the Senate Intelligence and Foreign Relations committees, and the Chairman of the Foreign Relations committee, respectively. (Washington Post, Sept. 19, 2004)

George W. Bush wants us to stay the course. We're on yellow alert today, and some in New York, New Jersey, and the District are even on orange alert. We must stay vigilant, and listen to Dick Cheney as he tells us how a vote for Kerry is the precursor to another terrorist attack on American soil.

So after being attacked three years ago, we might want to stay the course and let the President clean up the mess left in Iraq. I should remember that if I ever run for political office in Washington, I had better screw something up in my first term, so that I can run for reelection promising to fix it. At least George W. Bush would never flip-flop. I mean, if you ignore his initial views on the creation of the Department of Homeland Security, or on the 9/11 Commission, or on the Terrorism Czar, or on going after bin Laden, he would never flip-flop.

These little experiments in schizophrenia notwithstanding, Bush has been quite decisive. He decided to wait a few weeks before going after bin Laden. He decided to find the WMDs in Iraq. He decided to declare the conflict over.

Like many sentient beings, George W. Bush has made decisions. However, these decisions have been flat-out wrong, and detrimental to our national security. So whether he is a liar, or simply in over his head, the President does not deserve another term during which he can attempt to correct the failures of his first.

Doug Sanders Chairman, Law School Democrats.

Doug Sanders is a 2L. E-mail comments about this article to rg@umich.edu.



**MURPHY, from Page 14**

lives inches from the edge of Elbel – there are streets in the way. And nobody lives in the middle of the Diag. So, it's safe to play there. You're not whipping a large and hard object inches from people's faces. (Jesus, did I just write that? What is *wrong* with me?)

You get the idea. People who suck at catching and throwing, the thing about the quad is this: Yeah, it's pretty, but it's small! It's a small park. It's not even a park! It's a square. It's a small square. It's not for the faint of heart or unsure of hand, so go easy on the quad.

We live in a world fraught with peril – or at least I do. Mailmen are fighting landlords, ding letters are flying like ketchup packets in a dining hall food battle and Michigan still cannot punt a football consistently without it leading to an ESPN highlight real special teams meltdown. What do we do?

We use our legal practice negotiation skills to mediate the disputes between the authority figures in our lives. We take our ding letters in stride as we look them in the eye and paste them to the walls of our campus offices in defiance. (Yeah, ours are up there in the RG). I could say that I'll pay the minimum on my credit card if I want to, send the cable bill's check to the electric company and that I will litigate the firms that declined my application out of business... but the reality is that I have enough money in my accounts and enough time in my schedule and gas in my tank to cover the callback interviews and possible mail merging to come.

Life, like the mail, like uncoordinated undergrads in the quad, occasionally throws stuff your way that hurts and makes you mad. But it doesn't have to be a war. .. if you don't want it to be.

Mike Murphy is a 2L and the Editor-in-Chief of Res Gestae, and that's... okay. E-mail Mike at murphy@umich.edu.

**STUDENTS, from Page 19**

organizations by switching to the University's web system. The cost of the switch to student organizations will be minimal, and the switch will require only a modest amount of time and effort. However, the benefits of the switch will be significant in terms of both the improvement in the level and types of service available to student groups.

OASES also administers the joint degree and tutoring programs, externships, student organization budget allocations, the Campbell Competition (with deference to the Campbell Executive Board) and many scholarships and awards. All of these programs add to the array of opportunities available for both enhancing and maximizing the "law school experience".

Even if a student never joins a student organization nor participates in any OASES program, the office has much to offer by way of support. Above all else, OASES is meant to be a safe place for students to ask questions or receive support, across a fairly wide spectrum. I do a fair amount of academic advising, particularly around questions relating to maximizing opportunities in law school, joint degrees and coping with the unexpected. I and my talented and resourceful assistants, Trudy Feldkamp and Mark Gebhart, help clear a path for students as they navigate obstacles and emergencies, deal with illness, decipher law school, interpret academic regulations, select courses, manage burgeoning schedules, and figure out what it means to "think like" and "behave like" a lawyer. Beyond its nut-and-bolts-functioning, OASES has a larger institutional role to play. In that role the office serves a bridging function between the Law School administration and the student citizenry, working with the Dean, faculty and other offices to ensure that the Law School is aware of, and therefore in a position to address, student issues and concerns. As a graduate of this institution who now serves as one of its administrators, I have

witnessed the manner in which the institution transforms the student, and the ways in which students' needs and expectations transform the institution.

The Office of Academic services seeks to play at least some small role in that exchange.

The Office of Academic Services is located at 313 Hutchins Hall. Information regarding OASES programs, office hours and resources can be found in a variety of places, including the Law School web site, the Docket and informational flyers. For an appointment, please contact Mark Gebhart at mgeb@umich.edu.

**COOPER, from Page 8**

I hope in the end, tasty. But that's my chore. I enjoy doing it and wish there were more time to do it more seriously, though I have no sense whether I'd be any good at it.

Part of cooking is eating and part of eating is indispensably (he pauses, looks up) beverage. And I used to read about wines but I can't afford to because I don't have any place to put wine anymore. Reading about the latest and greatest makes me thirsty and acquisitive. So I have abandoned the pursuit of greater knowledge. I still pay a lot of attention to what I am going to drink. And to picking out what I hope to be drinking 20 years from now, to the vast amusement of the wine salespeople.

"You're a hell of an optimist. You're going to be alive 20 years from now?"

"Yeah!"

RG: Is there anything you want to say to Michigan law students? Any final thoughts?

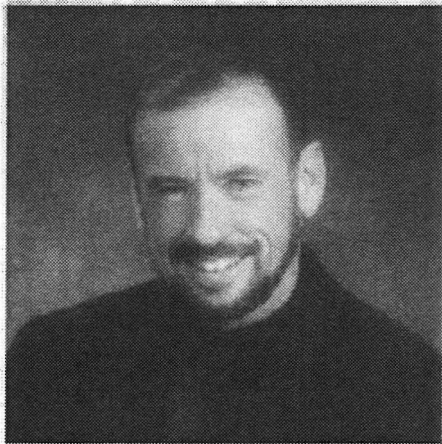
C: To my Civil Procedure students: Take jurisdiction.





TRANSFORM

Transgender alumni, students, and faculty at the University of Michigan
is pleased to announce



Jamison Green

Acclaimed advocate for transgender,
lesbian, gay, bisexual rights

7 pm Monday, October 11th 2004

keynote speaker

National Coming Out Day

100 Hutchins Hall

As a gifted public speaker and writer, James Green has given voice to TLGB issues, rendering visible the transgender experience. James Green's transgender advocacy across two decades has played a key role in shifting public discourse on transgender issues, including the recent decision by the Human Rights Campaign (HRC) to fully support gender identity non-discrimination. He is board chair of Gender Education and Advocacy, a board member of the Transgender Law and Policy Institute and the Harry Benjamin International Gender Dysphoria Association, founder and past president of FTM International (1991-1999), and author of the acclaimed new book, Becoming A Visible Man Vanderbilt University Press, June 2004.

Event is free and open to the public.

Questions about this event may be directed to André or Denise at transform@umich.edu

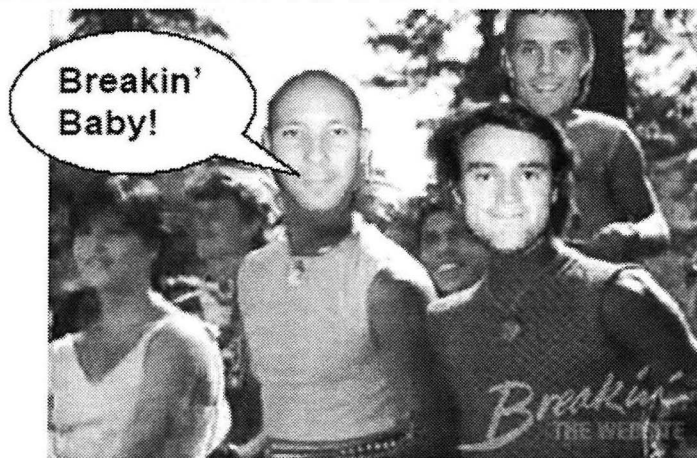
This event is co-sponsored by the UM Office of LGBT Affairs and by Outlaws



What Color Is Your Parachute (Pants)?

an alcohol-fueled celebration of the 1980s
-to benefit Food Gatherers local food bank

80s Music!
80s Karaoke!
80s Cover Band!
Full Bar!



What Color Is Your Parachute (Pants)?

A 1980s celebration featuring the music of the 80s, stoo's karaoke (80s-style) and a live performance by the sloppiest 80s revival band in southeast Michigan

Bring your swatch watches, members only jackets, acid-washed jeans, white high tops, def leppard t-shirts, jelly bracelets and whatever else you can think of to give the decade its proper due.



Friday, October 2 (Fall Break)

The Heidelberg Club Above

Doors: 9pm

Cover: \$3, straight to Food Gatherers

Brought to you by steven boender (business/law schools), mo frechette (business school), and dave foley (business school)



Michigan Law Announcements

*Interested in
the Campbell
Moot Court
Competition?*

**Meeting
Tuesday,
September 28**

12:15 - 1:15 Room 220
4:00 - 5:00 Room 150

*Want to volunteer
with elementary
school children?*

**Volunteer
Student Teaching
Association**

E-mail Dan Rubin
at
rubindan@umich.edu

NOAM CHOMSKY

*Illegal But
Legitimate: A
Dubious
Doctrine For the
Times,
Academic
Freedom Lecture*

Thursday,
October 28
4 - 5 p.m.
100 HH

**Send Your Student
Organization
Announcements
to rg@umich.edu**

REGISTER TO VOTE

*Deadline is
October 4*

E-mail Emma
Cheuse at
echeuse@umich.edu
for an application

Office of
Career Services
presents

How to Distinguish Law Firms

Thursday
September 30
12:15 p.m.-1:15 p.m.
250 Hutchins Hall